BEFORE HONOURABLE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

Writ Petition No. 1659 of 2001

PETITION UNDER ARTICLES 206/207 OF THE CONSTITUTION OF INDIA

PETITIONER : SHEO MURTI TIWARI,
Son of Shri Gaya Prasad Tiwari,
aged about 59 years, presently
posted as Sub-Inspector (Police)
at Thana Kurud, Distt.Dhamtari
residing at Kurud, Distt.Dhamtari

P.R. No. 1284/01
Presented by Shri C.R. Sen
dated 3.12.01

VERSUS

RESPONDENTS : 1. STATE OF CHHATTISGARH,
Through the Secretary,
Department of Home,
Mantralaya, RAIPUR C.G.

2. DIRECTOR GENERAL POLICE PHQ,
Commissioner's Office,
Compound, RAIPUR C.G.

3. SUPERINTENDENT OF POLICE,
Dhamtari Distt. Dhamtari C.G.

NOTARY
G. R. PATEL
NOTARY (ADVOCATE)
Area- Civil Distt
RAIPUR, (M.P.) INDIA.
Reg.No.-M.P.
37/14/11
Govt. of Madhya Pradesh.

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF AN APPROPRIATE WRIT, DIRECTION AND/OR ORDER.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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# आदेश पत्रक

मामला क्रमांक W.P.1659/01 सन् 200

विरुद्ध

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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| | 19.9.2001 :<br>Mr.P.P.Lakhe for the petitioner.<br>Mr.Ayaz Naved for the Respondent/State.<br>Counsel appearing for the State submits that since the matter pertains to service, it shall be ~~administered~~ examined by the State Administrative Tribunal. Learned counsel for the petitioner submits that since the matter has been placed before this court it may be decided by this Court. Learned counsel appearing for the State prays for two weeks time to obtain instructions.<br>The writ petitioner while serving at Dhamtari as Sub Inspector was transferred to Magarlod after he had put in just 10 months at Dhamtari. After he had put in 8 months at Magarlod,he was again transferred to Kurud on 14.5.2001. Two months later i.e. on 17.7.2001 the order of transfer impugned herein was issued transferring the writ petitioner from Kurud to Raipur. It is contended that the writ petitioner has been subjected to frequent transfer for extraneous considerations and not in public interest. It is contended amongst other things :<br>contd.....2 | |

[पीछे देखिये

| आदेश का दिनांक आदेश क्रमांक सहित | ..2.. आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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" That the petitioner is on the verge of retirement after his successful exemplary service in the police department and shall be retiring just after a period of 16 months i.e. on 31.1.2003."

I have nothing to comment on the service record of the writ petitioner. However, since this statement has been supported by the affidavit, I have no reason to doubt as regards the date of retirement. On this score alone, I am inclined to hold that no order of transfer should have been issued in as much as to do so would certainly cause innumerabl hardships to the writ petitioner on the eve of retirement from service. This act in my view should be an important point while considering the transfer of a government servant. The writ petitioner is said to be on medical leave.

In the few facts and circumstances of the present case I have recorded above, in my view in stead of allowing the prayer for time made by the State counsel and in stead of sending this matter to the State Tribunal, the matter should be disposed of today itself. In my view the impugned order of transfer issued on 17.7.2001 is unreasonable and unfair in the present facts and circumstances of the case.

In the result,the impugned order of transfer issued on 17.7.2001 by the Director General of Police,Raipur is set-aside.The writ petitioner shall be allowed to continue at Kurud until his retirement. It is stated at the Bar that no order of relief has been served upon the petitioner tilldate



GRPRJ—FS/311—1/2001—50,000.

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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# आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

| आदेश का दिनांक आदेश क्रमांक सहित | ..3.. आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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| | and that the petitioner is on medical leave.<br><br>The petition is thus disposed of.<br><br>Sd/-<br>Chief Justice | |

J

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